

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONALD BROWN,

Plaintiff,

v.

RYAN DAVIS and JOSHUA SIMS,

Defendants.

Case No. 11-cv-780-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 89) of Magistrate Judge Donald G. Wilkerson recommending that the Court deny the defendants’ motion for summary judgment based on the failure to exhaust administrative remedies (Doc. 81).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 89); and
- **DENIES** the defendants motion for summary judgment on exhaustion grounds (Doc. 81).

IT IS SO ORDERED.

DATED: December 6, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE